7 5 Polit Pamph. vol 130. 3.

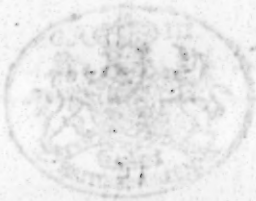
A SECOND LETTER TO THE COMMON COUNCIL OF THE CITY of LONDON,

WITH

Remarks on Lord Chief Juſtice PRATT's Anſwer to Sir THOMAS HARRISON the Chamberlain.

Litteras tuas legimus, ſimilimas edicti tui, contumelioſas, minaces, minimé dignas quæ a te mitterentur. CIC. Epiſt. ad Anton.

LONDON:
Printed for W. NICOLL, at the Paper-mill, in St. Paul's Church-yard.
MDCCLXIV.



A

SECOND LETTER

TO THE

COMMON COUNCIL

OF THE

CITY of LONDON.

GENTLEMEN,

THE proceedings of your venerable body have, of late eſpecially, been of ſo extraordinary a nature, that you cannot, I am ſure, be ſurprized, at the notice and attention with which even the minuteſt circumſtances relating to you are conſidered by the generality of your fellow

citizens: what tho' the ſubjects of your important deliberations, are not ſo much as ventured to be gueſſed at, yet even the day and hour of your ſittings, occaſion many nice ſpeculations and fearful alarms? For my part, I own freely, though I am not naturally more timid than any other of his majeſty's loving ſubjects, yet I could not help feeling the moſt ſerious anxiety, upon reading in the news papers (thoſe impartial and unerring oracles, and which in future times will be the faithful records of your fame to the lateſt poſterity) the following paragraph, *It is expected that there will be a full court of common council to-morrow at Guildhall, and the lord mayor intends taking the chair preciſely at eleven o'clock, as it is ſaid ſeveral affairs of conſequence will be taken into conſideration.* I began immediately to reflect with myſelf what could poſſibly be the intention of ſummoning this court. I knew very well that all the ordinary

dinary buſineſs had been diſpatched, the courts of conſervacy, that is, as I have ever underſtood them, the conſerving or keeping up the laudable cuſtom of good eating and drinking, had been already regularly held both at Stains and Barking; and it was too early in the year for ſwan-hopping: there would have been no doubt, in that caſe, of having a full court enough, but then you would have had notice, that my lord mayor would have taken his barge inſtead of his chair by eleven. It once occurred to me that, perhaps, ſome judgment had befallen the elliptical arch at Blackfryars, and that you muſt have had recourſe once again to the ingenious Mr. Smeaton, to reſcue that noble pile, from being overthrown by the indignant river. In ſuch caſe, to be ſure, it would have been abſolutely neceſſary to have paſſed an immediate reſolution, condemning at once the nature of the

building, and the nation of the architect. This idea, however, quickly gave way to a more political turn of thought. I was tempted to imagine, from the particular time at which the court was called, that there might be an intention of ſetting the city ſeal to ſome inſtructions for Lord Clive, entruſting him, perhaps, with a cordial letter for the mayor of Maxadavad, if in amity, or directing him to reſcue the regalia of that city from the plunder of his ſeapoys, or as a matter more peculiarly under the juriſdiction of the common council, forbidding his lordſhip to receive preſents from any of the princes of the country, and reſtraining thoſe powers which the court of directors had extrajudicially given to ſo dangerous an extent. I improved conſiderably upon this hint. Satisfied as I was of your provident care for the whole, I determined immediately in my own mind,

mind, that nothing leſs than the whole was the object of your preſent concern, a receſs of parliament, memorials daily preſented, the enemy as it were at our gates, who could ſo properly interfere, as the ſtanding council of theſe kingdoms at Guildhall aſſembled? I loſt no time in concluding, that at leaſt a petition was to be preſented, deſiring immediate orders to be given for the deſtruction of the French and Spaniſh navy: Burn, ſink, and deſtroy, was to be the word, and the treaty of Paris, in ſhort, to be infringed at any rate, to give Mr. P—— an opportunity of making a better peace. Seventeen hundred and ſixty-four followed a little too cloſe upon ſeventeen hundred and ſixty-one. What, however, the conceptions of a working fancy were incapable of penetrating,

Volvenda dies in attulit ultro.

Saturday's

Saturday's papers fully informed me of all the particulars of the preceding day's deliberation, but eſpecially of that which has occaſioned the preſent addreſs to you. I mean your Chamberlain's report of Lord Chief Juſtice Pratt's anſwer to the compliment paid him at the communication of your reſolution with regard to his conduct, and at the preſenting him with a copy of his freedom in a gold box. As you are thought not to diſlike any alluſion to the proceedings of parliament you will not probably be offended with me when I tell you, *that, to prevent miſtakes, I have obtained a copy of this anſwer*, the contents of which are as follow:

"SIR,

"It is impoſſible for me not to feel the moſt ſenſible pleaſure in finding my behaviour in the adminiſtration of juſtice approved by the city of London, — the moſt reſpectable body in this kingdom

after the two houſes of parliament. If they have been pleaſed, from any part of my conduct, to entertain an opinion of my integrity, the beſt quality of a judge, my utmoſt ambition is ſatisfied; and I may venture, without the reproach of vanity, to take to myſelf the character of an honeſt man, which the city of London have told me I am entitled to; but they will give me leave at the ſame time to aſcribe it only to my own good fortune, that I happen to be diſtinguiſhed, upon the preſent occaſion, beyond the reſt of my brethren; ſince I am perſuaded, that if any had been called upon as I was, they would have acted with the like conſcientious regard to their oaths and to the law of the land. Since, however, the city of London has now given me a reputation, I muſt take more than ordinary care to preſerve their gift, by the ſtricteſt attention to my duty, knowing that the beſt way of thanking the public

for

for honours like theſe, is by perſevering in the ſame conduct, by which their approbation was firſt acquired."

I have ever admired and reverenced lord chief juſtice Pratt in his judicial capacity, and I will join iſſue with any man in the warmeſt commendations, of the patience of his temper, the cogency and perſuaſion of his eloquence, and the affability of his behaviour on the bench. I ſhall now conſider him as the author of the letter preſented to you by your Chamberlain, in which I determine to be decent, and if I happen to be trifling, you muſt impute it my ſubject. It happens fortunately, however, and you may, if you will, *aſcribe it to my own good fortune*, that the object of my diſcuſſion is not the *obiter dictum* of a man deciding haſtily, perhaps on the ſpot, what his maturer thoughts might lead him to wiſh it were poſſible to retract, but the cool ſober

axioms

axioms of a thinking magiſtrate, committed to paper, and intended for the peruſal of a numerous body. The former circumſtance, muſt give weight, and the latter, accuracy to the compoſition. In ſhort, it is a *written* paper, and you are therefore competent judges, whether the deductions are unfair, or hardly ſtrained; it is *written* for public peruſal, drawn up, we may well ſuppoſe, with the utmoſt temper and caution; but however drawn up, however written, it is now publici juris, under the cognizance and examination of every man who can either read himſelf, or hear it read to him.

The Letter ſets out with a declaration. "It is impoſſible (ſays his lordſhip) for me not to feel the moſt ſenſible pleaſure in finding my *behaviour* in the adminiſtration of juſtice approved by the city of London." As it cannot admit of the leaſt doubt but that you meant to commend his lordſhip's behaviour, it would have

been leſs equivocal, if you had marked out the ſpecifick *kind* of behaviour you intended to praiſe. I would juſt obſerve, that there is oftentimes a wide difference between the adminiſtration of juſtice, and the *behaviour* of a particular perſon in the adminiſtration of that juſtice. I have ever conceived juſtice to be eternally and immutably the ſame. The modes of adminiſtring that juſtice, have, to the diſgrace and the deſtruction of many countries, been fluctuating and variable. Some behaviours have been time-ſerving and obſequious to the will of an arbitrary monarch, others corruptly influenced by the ſeducing offers of lucrative advantage, others again warped from their true bias by the infatuating adulation of a clamorous multitude; all of theſe equally wanting the ſolid and permanent foundations of rectitude, true and impartial deciſion; and yet all of them may be called behaviours in the adminiſtration of juſtice. If therefore

fore any wiſh might be formed on this ſubject, it ſhould be, that you had been more particular in your diſtinguiſhing the quality of that behaviour, which you have have been ſo zealous to approve: it muſt be (and no one will venture to diſpute it) ſuch a behaviour as it becomes your dignity to commend; and yet it is hardly worth while to put your credit to the ſtake, merely for the want of the addition of an epithet. But pray, how came you to be the City of London? What a bewitching thing commendation is! You are, indeed, the Common Council of the City London; but I ſuppoſe his lordſhip was metaphorical, and put the whole for a part.—It puts one ſo in mind of Buckingham's account in the play; when he had done, ſome followers of my own at the lower end of the hall hurl'd up their caps, and ſome ten voices cry'd, God ſave king Richard; *and thus I took the vantage of thoſe few.* Thanks, gentle citizens and friends,

quoth I, this general applauſe and chearful ſhout argues your wiſdom and your love. Perhaps, indeed, it might be thought more creditable to be commended by the city, eſpecially if we add to it the encomium which follows; "the moſt reſpectable body in this kingdom, *after the two houſes of parliament*." I beg leave, gentlemen, to offer you my ſincereſt and moſt cordial congratulations upon the diſtinct allotment of your precedence, in the great ſcale of the ſeveral bodies in Great Britain: I hope the heralds will take care to inrol it in their office books, that when you march in proceſſion to St. Pauls, on the thankſgiving day for the next peace, (tho' you would neither thank God nor the king for the laſt) it may regularly appear that you are to take place, next and immediately after the two houſes of parliament. No one, I think, will be hardy enough to diſpute this point of chivalry with you, after it has been ſettled by

by ſo ſolemn and legal a deciſion: hitherto, though your own rank was univerſally conceived to be ſuch as to give you the lead of the reſt of the corporations, yet this at beſt was mere matter of opinion; the title liable to be impugned, and no deeds or writings authenticating this precedency ready to be produced: henceforward doubt muſt give way to certainty. Your title is good; you have a writing to ſhew for it; a chief juſtice has given it you under his hand, that you are the moſt reſpectable after the two houſes of parliament. If this had not been the caſe (I ſpeak with the utmoſt deference to his lordſhip's better judgment) there are ſome bodies in this kingdom, which I ſhould have been inclined to think had ſome ſort of claim to take place of you. So ignorant am I in every matter relating to precedency, that I ſhould have much doubted with myſelf, whether to have allowed priority of rank to the two houſes of convocation,

the king's moſt honourable privy council, the two famous univerſities of this land, the great body of the law, and the merchants a part of the city of London, who, I underſtand, are yet behind hand in this important act of their duty, the publick expreſſion of their approbation of his lordſhip's conduct. It might not have been inconſiſtent, perhaps, with the principles of ſound equity, if his lordſhip had condeſcended to have heard what each of theſe reſpective bodies could have urged in its behalf, in arreſt of judgment, before he had ſo roundly diſpoſed of their places and dignity: the convocation would probably have pleaded the ſtation and character of their ſeveral members; one part of whom are by the conſtituion allowed a ſeat in the higheſt court of judicature in theſe kingdoms, whilſt the other is choſen from all the eccleſiaſtical bodies of England, repreſentatives in ſome ſort of all the inferior clergy: they need not have had recourſe to uſage of ancient times, by

which

which they laid taxes and impoſitions on their own particular body; the very writ of ſummons now ſent out, would have been ſufficient to aſcertain the degree of eſtimation in which they have a right to be conſidered. The cauſe of their meeting is declared confeſſedly to be, the deliberating on the ſtate of religion, the cenſuring hereſies, and promoting whatever they think may tend to the honour and advancement of religion. As many therefore of you as ſhall think it of more importance, that a ſtout and well-weaponed watch be provided, than that care be taken that no new-fangled doctrines creep into the church; that globular lamps be fixed up at convenient diſtances, and the ſtreets properly raked and cleanſed, than that ſhops and houſes be freed from atheiſtical and immoral books; ſo many fines paid into the chamber of London, and ſo many ſealed propoſals for buying the ofces of common hunt and water bailiff, audibly read, than that the ſetters forth of

ſtrange

ſtrange tenets be openly cenſured and reproved: all of you who think thus, on the comparative ſtate of the queſtion, cannot heſitate a moment at aſſerting your own right of precedency, before ſo trifling and inſignificant a body as that of the two houſes of convocation. Had it not been otherwiſe determined, I ſhould have been tempted to imagine, that the *privy* council would have been deemed a more reſpectable body than the common council of London. And as a kind of argumentum ad hominem, I could never have conceived, that his lordſhip would have ſet his hand to any aſſertion, which might inſinuate in the leaſt, that that council which comprehends the duke of Newcaſtle and Mr. *Pitt*, could in its own nature have the leaſt grain of inferiority in its compoſition. I am well aware that it may be obſerved, Mr. Pitt does not now guide the privy council; and that whatever might be the original inſtitution of the common council, they treat now indiſcriminately of the

the weightieſt affairs of the kingdom. To which I can only anſwer, that on the 9th of November 1761, you ſet a precedent expreſly againſt yourſelves, by giving Mr. Pitt the lead, not only of every member of your body corporate, but even of majeſty itſelf; and yet he had abdicated, I will not call it the government, for that generally implies a regular, well-ordered eſtabliſhment; but the guidance and dominions of our affairs civil and military. The univerſities might have produced, had they been admitted to have pleaded their own cauſe, ſome plauſible reaſons in ſupport of their ſuperiority, to what, if you will be called a parliament, will I fear have the epithet tacked to it, and be ſtiled Parliamentum Indoctorum. But this deciſion of his lordſhip's goes ſtill farther, ſo bent was he on an equitable regulation of this claim, that he nobly diſdains any prejudice in favour of a profeſſion, to which he might naturally be ſuppoſed to lean: it is now upon record, and therefore, be it re-

 membered,

membered, that you are more reſpectable than the great body of the law. Courts of juſtice, even the court of Common Pleas, is allowed to be ſecond to you. No man has a ſincerer veneration than myſelf for thoſe courts; and yet, ſincere as it is, I am now taught, and a new leſſon it is that I have learnt, that the Common Council of the city of London has a prior claim to my regard. It is impoſſible for me, indeed, as yet, to determine what operation this axiom will have upon my mind: I have ſeen king, lords and commons abuſed with impunity, every charge that malice could invent, ſhot forth againſt them, without bringing the ſcandalous author of them into danger; whilſt the Moderator is a recent inſtance how very tenderly the proceedings of every court of juſtice are to be handled in public diſcuſſions. Who would not at the firſt bluſh conclude, that our judicial powers were far ſuperior, either to the legiſlative or executive parts of our government?

ment? And yet we are here told there is ſtill a greater behind, a power ſtill more reſpectable than even the courts of law. Who can ſee the end of this ladder of Jacob? the bottom of which indeed reſts upon the ground, but the higheſt part is in the clouds: and there are beings continually aſcending and deſcending. If the merchants had been ſo ill adviſed, as to put themſelves in competition on this occaſion, they muſt have been immediately nonſuited. That audacious act of theirs, the addreſſing on the late peace, can never be forgiven them, when above twelve hundred of the moſt conſiderable negociants in the city, in defiance of the common council, were bold enough to thank their ſovereign for having given peace to his kingdoms; and, which was a high aggravation of the offence, to declare it to be ſuch a peace, as afforded the moſt reaſonable grounds to believe, that the public tranquillity would be laſting. My ignorance and inexperience would have

ſuggeſted to me, that the ſeveral bodies I have mentioned might, one and all of them, have made out very creditable pretenſions to have taken the lead of you; but I ſubmit to his lordſhip's deciſion, and that not implicitly, my judgment is convinced; I never was clearer in any propoſition in my life; nay, I will go farther, You are the moſt reſpectable body in this kingdom.

Haud timeam magni dixiſſe palatia cœli.

You are more reſpectable than the two houſes of parliament: and this is not a mere gratis dictum, it can be proved from your own authentic records; witneſs the cyder buſineſs. Did not you (as a body much ſuperior to the legiſlature) when the two houſes of parliament concurred in adviſing the king to paſs the act for laying a duty on cyder, think it incumbent on you to interpoſe your conſtitutional authority; and as a more reſpectable body

body than either lords or commons, pray the king to diſſent from the advice of both houſes, to liſten to the voice of his faithful commons, in common council aſſembled, and to refuſe paſſing *ſo much* of the bill as related to the laying a duty upon cyder. You are more reſpectable than the Commons, becauſe when they had determined that a reſolution relating to the warrants was not neceſſary, you, in your ſuperior wiſdom, thank your repreſentatives for endeavouring to obtain what you call a ſeaſonable and parliamentary declaration. You are more reſpectable than both Lords and Commons, becauſe you *affirm* what they have *diſclaimed* as the privilege of parliament. You approved the motive of Mr. Wilkes's releaſe from his confinement at the Tower, which the Chief Juſtice of the Common Pleas directed, becauſe he was a member of the Houſe of Commons; and yet the houſe of which he was a member have ſolemnly declared, that privilege did not extend

extend to the caſe; by conſequence alſo declaring, that Mr. Wilkes ought not to have been releaſed. For theſe and many other reaſons, which it were waſte of time to mention, it cannot ſurely be conteſted, that ſeeing your juriſdiction has been ſuch, as to deny, to controll, to act counter to the proceeding of the two Houſes, your conſideration muſt be the greater. In the next edition, therefore, of this letter, which, I ſuppoſe, will be at the bottom of the Chief Juſtice's effigies, drawn as he is in his robes, and to be hung up in Guildhall, I would humbly ſuggeſt that the words, *after the two houſes of parliament*, ſhould be left out, and then the city of London will confeſſedly ſtand, *the moſt reſpectable body in the kingdom.*

But to proceed: *If they have been pleaſed from any part of my conduct to entertain an opinion of my integrity. If*, ſays our cautious magiſtrate; and obſerve, pray, how much depends upon this hypotheſis;

no

no leſs than the ſatisfying the utmoſt of his ambition. Why, Gentlemen, can it be a matter of doubt, whether you have entertained an opinion of his integrity or not? What have you been holding ſo many courts and councils, paſſed ſo many reſolutions relative to his lordſhip's conduct, ordered the freedom of the city to be given him, deſired him to ſit for his picture, and after all, ſhall it be liable to conteſt and diſpute whether you have had any opinion or no? Shall the Chief Juſtice have actually received a copy of his freedom in a gold box, heard the Chamberlain's compliment upon it, returned him the elegant anſwer now under conſideration, have ſat more than once for his picture, and ſhall he be the perſon to put an *if* in the ſentence, and to inſinuate a doubt of the reality of theſe proceedings? Talkeſt thou to me of *ifs?* In any one elſe this would be rank pyrrhoniſm, and the next diſcuſſion I ſhould expect would be concerning the reality and exiſtence of

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the common council itſelf. It does not appear, indeed, from his lordſhip's letter, what opinion they have entertained of his integrity, any otherwiſe than may be collected from the very ſalutary effect with which it has been attended, I mean the ſatisfying his lordſhip's *utmoſt ambition*. *If*, in this free country, I might venture to put any queſtion on a man's paſſions, I ſhould heſitate a little whether in ſtrict propriety the opinion of the common council were commenſurate to ſo noble an emotion of the ſoul as ambition in general, doubting ſtill more whether it were capable of comprehending the fulleſt extent of that affection, whether it could ſatisfy the *utmoſt* ambition, and remaining in the greateſt uncertainty, whether the utmoſt ambition of a chief juſtice is to be ſatisfied by means ſo viſibly inadequate. So totally unſkilful am I in theſe matters, that had I been aſked, What is a judge's utmoſt ambition? I

ſhould have been inconſiderate enough to have replied, in the words of the oath of of office, *Juſtitiam nulli vendere, nulli negare, nulli differre.* In theſe turbulent days, where men are ſo hurried on by the intemperance of their paſſions, in ſuch a manner too as to diſquiet themſelves and annoy thoſe about them, it is ſome comfort to behold the moderation here held out to us: What muſt his lordſhip's uſual tenor of deſire be, when even his utmoſt ambition extends no farther than to the approbation of the Common Council? and ſurely no action of ſo reſpectable a body can be indifferent. Every motion of theirs muſt be attended with its correſpondent effect. If their opinion (whatever it be) of his integrity, applying itſelf to his ambition, has given it the utmoſt ſatisfaction, what emotion has the giving him his *freedom* ſtirred? what paſſion has the deſiring him to ſit for his picture ſatisfied? But I would fain know why *integrity* has ſo particular an enco-

mium added to it, as to be ſtyled *the beſt quality of a judge.* It cannot ſure be meant in oppoſition, much leſs in envy, of talents and ability. His lordſhip did indeed tell the city of Exeter, that he left the praiſe of capacity to others, but he never could ſurely mean to exclude himſelf from that commendation. He can never have been ſo hurt by the ſplendor of ſhining abilities as to have reſigned his pretenſions to capacity; nor much leſs would he inſinuate, that any of his brethren wanted what he calls the beſt quality of a judge. The more accurately we examine the compoſition now before us, the greater reaſon ſhall we have to admire the ſingular temper and moderation of its author. " And I may venture," ſays his lordſhip, " without the reproach of vanity, to take to myſelf the character of an honeſt man, which the city of London have told me I am entitled *to.*" For my own part, I am not much given to vanity, but, I confeſs freely, I would venture to take

to

to myſelf the character of an honeſt man, whether the city of London told me ſo or no. The definitions of parts, and underſtanding, and judgment, are ſo various and uncertain, that I might perhaps leave it to others, to decide on my pretenſions to ability, but as to integrity no one can know it ſo well as myſelf; and I will venture to refer his lordſhip to a more faithful and impartial judge in this matter, than even the Common Council of London, I mean his conſcience; that true, though ſilent monitor, will beſt inform him whether he can take the character of an honeſt man or no; when, therefore, he has ſo good a reaſon, I would not ſurely urge a much weaker one, the information of the city of London; or, to uſe ſomewhat of a legal dialect, when I have two titles to honeſty, I would reſt my cauſe on the ſtrongeſt. I would obſerve juſt by the way, that it is not till after his utmoſt ambition has been ſatisfied, that we read, his lordſhip ventures

to take to himſelf the character of an honeſt man: This would carry an inſinuation to thoſe who are unacquainted with his character, that ſo impetuous are his paſſions, ſo ardent for gratification, that they muſt be ſatisfied at all events, and that when they have received that ſatisfaction, then, and not till then, he ventures to call himſelf an honeſt man. However the whole of this ſuppoſition immediately vaniſhes, upon being acquainted with the ultimatum of his deſires, The approbation of the city of London, an object confeſſedly too ſmall to hinder his purſuit after the beſt quality of a judge. But why, may it be aſked, does his lordſhip *now* venture to take to himſelf the attribute of honeſty. This has, ſomehow, the air of adding a novelty to the proceeding. Did he never venture ſo far as to call himſelf an honeſt man, even before the city of London had told him that he was one? or is it ſo great a piece of vanity in any one to aſſume that title

title to himſelf, that it requires the authority of the Common Council to take off the idea of oſtentation? But though his lordſhip has been made ſo vain by the city, in this particular, or more properly ſpeaking, been enabled to ſupport his pretenſions to honeſty, without the reproach of vanity; the next paragraph will make us aſtoniſhed at his modeſty and humility. "They will give him leave to aſcribe it only to his own good fortune, that he happens to be diſtinguiſhed upon the preſent occaſion." Diſtinguiſhed! my good lord. Ay, Sir, diſtinguiſhed! Evidently referring to the preceding paragraph, the telling his lordſhip he was an honeſt man. Well, but how does this diſtinguiſh him? The city does not mean to ſay, that the chief juſtice is a *more* honeſt man than the reſt of his brethren.

So are they all, all honourable men.

And yet I find the words, *beyond the reſt of my brethren.* No, no; that can never be the meaning.

meaning. Perhaps, it might be intended to ſay, that it was owing to his good fortune, that his utmoſt ambition had been ſatisfied, and that he could take to himſelf a character, now the city of London had given it him. It is not, indeed, every man's good fortune to ſee his ambition ſatisfied to the utmoſt extent; but when once a thing is actually given me, even were it a leſs ſolid body than praiſe and commendation, my acceptance and taking of it, I conceive, becomes the object of my choice and volition, not of chance or good fortune. Be it as it will, I am ſure his lordſhip intended no reflection on his colleagues, as he declares himſelf perſuaded, that if they had been called upon as he was, they would have acted with the like conſcientious regard to their oaths and to the law of the land. I moſt heartily and ſincerely ſubſcribe to this opinion of his lordſhip's; I have not the leaſt doubt, that if they had been called upon, as he ſays he was, (and I am ſure I am very

very ignorant of the nature of that call) they would have conducted themſelves moſt conſcientiouſly and faithfully. They would have been like his lordſhip in the regard to their oaths and to the laws, but I am far from being clear whether there would have been the leaſt reſemblance in the quality of their opinions, as I think it barely poſſible they might have concurred in their ſentiments as to the extent of privilege, for inſtance, with the two houſes of parliament, rather than have taken up a different opinion, though ſupported by the Common Council, an *obiter dictum* of Lord Holt's, and a book entitled *Twelfth Modern*, whoſe authority was fully ſet forth, when it was declared to be the compilation of an ignorant bookbinder.

" Since, however," (as the letter goes on) " the city of London has given me a reputation, I muſt take more than ordinary

nary care to preſerve their gift." In theſe diſſolute times his lordſhip is well aware, that every motive for ſtrict attention to his duty cannot be ſuperfluous: all, alas, is but too little to enable the human heart to withſtand the powerful temptations which aſſault it. If my lord's ambition, therefore, had not been already compleated, it muſt undoubtedly have encreaſed his ſatisfaction to receive ſo powerful a ſpur to the performance of his obligations. The quality of the giver, the nature of the gift, and the manner of giving it, all conſpire to awaken the attention and excite the induſtry of the perſon who has received ſo invaluable a bleſſing. I do not mean to depreciate either the dignity of the donors, or the worth of what has been given, I would ſubmit only to you, gentlemen, ſome few queries which have ariſen upon this extraordinary Preſent.

Upon what foundation is it, by what charter are the city of London empowered to give reputations, and are they put in the ſame gold boxes together with the copies of the freedom? As the city are a very polite as well as reſpectable body, they would never have thought of giving his lordſhip what, it may be preſumed, he was already ſufficiently ſtocked with; might not, therefore, their giving him reputation, in ſome ill-diſpoſed minds, raiſe a ſuſpicion, that before this gift, there was a deficiency, or at leaſt a diminution, which this preſent was intended to remedy? But may there not be ſome danger in thus allowing the city of London to give reputations? may they not take upon them to exerciſe, what would not be quite ſo amiable a part of their juriſdiction; I mean the taking away again what they have thus given? And as they are a body continually fluctuating, what ſecurity is there of their remaining in the ſentiments adopted by their

predeceſſors? I would only ſubmit to his lordſhip, whether, before he acknowledged that they had given him a reputation, it would not have been adviſeable to have aſcertained the validity of their title to the preſentation, to have ſecured the Preſent from all appearance of an invidious inſinuation, and to have deliberated, whether good fame, held by ſo precarious and mutable a tenure, ſhould be aſcribed to the diſpoſition of the Common Council? Beſides, ſurely the guilds of Exeter and Dublin may plead ſome kind of claim to their ſhare upon this occaſion. The freedom and thanks they have ſo unanimouſly voted to his lordſhip cannot but be conſidered as a ſort of underwood rearing up and ſupporting that great pile of reputation which, inflamed by the breath of the city of London, has blazed forth into all the ſeveral parts of this kingdom. *A propos de Dublin*, I am reminded of a circumſtance which may, perhaps, without the odium of a compa-

riſon,

pariſon, remind you of your own proceedings. I find by Faulkner's Journal, that the worſhipful company of Butchers at Dublin, in common hall aſſembled, have unanimouſly voted the freedom of their company to Luke Lemarſh Eſq; intendant to his Excellency the Lord Lieutenant, for his *behaviour* in his office during his Lordſhip's reſidence in Ireland. I cannot ſay, indeed, that I have ſeen any copy of Mr. Lemarſh's anſwer to ſo *diſtinguiſhed* a compliment; but I cannot doubt in the leaſt, that his utmoſt ambition has been ſatisfied, and that he will take more than ordinary care to preſerve that reputation which the company of butchers have given him. I am very far, however, from being perſuaded, that Lord Northumberland, when he comes to audit his accounts, or Sir M—— L—— to look them over for him, will concur with the worſhipful butchers on this occaſion. His Excellency may be inclined to add ſtill one

freedom more to that which has already been given him, I mean perpetual freedom from his ſervice. I proteſt ſolemnly, I do not intend the leaſt diſcourteſy to Mr. Lemarſh, who, I dare ſay, is an honeſt worthy man (and after what the butchers have told him, will, no doubt, venture to call himſelf ſo) I would only mention, in the way of analogy, that that behaviour which recommended him ſo cordially to the butchers, might poſſibly have been ſuch as to incur the diſpleaſure of his maſter, and the contempt and diſregard of every impartial byſtander.

But to return to his lordſhip's letter, "Knowing that the beſt way of thanking the public for honours like theſe, is by perſevering in the ſame conduct by which their approbation was firſt acquired." Here, Gentlemen, is another metamorphoſis for you.——You ſat out with being the Common Council, your next

next ſtep is a transformation into the city of London, and now, all of a ſudden, you are become the *Public*. The axiom is undoubtedly a true one in this inſtance, the ſame means which have acquired, will preſerve; but what are theſe means? are they ſuch as are fit to be openly expoſed and avowed? *Are they ſuch as a judge ſhould uſe?* What ought to be the ambition of a judge? Ought it to be to pleaſe any man, or any body of men, how great or how reſpectable ſoever? To do juſtice, his lordſhip well knows, is a judge's utmoſt ambition. Warped, he ſhould be, by no affection, no prejudice, no partiality, no affectation of leaning to the popular ſide: Such a magiſtrate will be conſtant and inflexible in the performance of his duty, let who will be pleaſed or diſpleaſed. *Nec ſumit aut ponit ſecures arbitrio popularis auræ.* And I have ſaid this the rather, becauſe the human mind, guarded as it is naturally againſt the groſſer acts of corruption, by the delicacy of

of its feelings, and by the apprehenſion of detection, is ſometimes leſs aware of the ſecret and poiſonous influence of a thirſt after popular credit and eſtimation: both are equally diſtant from the true and ſound principles of juſtice and equity, though the latter deſire is by far the moſt baneful to ſociety, becauſe extending itſelf to a greater variety of objects, and ſecurer in its very nature from the fear of a diſcovery. You, Gentlemen, may at your leiſure, paſs ſuch reſolutions, with regard to the conduct of your ſuperiors, as may ſeem good to you; but will the generality of the world take their opinions from ſuch reſolutions, even though ſanctified by the names of Bridgen at the top, and Hodges at the bottom? If a plain man might give you his ſentiments, you would be ſerving the public much more eſſentially in your ſhops than in the council. The intereſts of your reſpective families have a ſtronger tie upon *you* than thoſe of Great Britain. Peace and

war are arts and myſteries to which *you* never were apprenticed. You are not indentured to decide upon the propriety of particular taxes, nor were you ever ſo much as journeymen in the great work of legiſlation. Leave, therefore, with lord chief juſtice Pratt, to others the praiſe of ſhining parts and abilities; and be content yourſelves, like lord chief juſtice Pratt, with the approbation of the Common Council, as the ſatisfaction of your utmoſt ambition.

POST-

POSTSCRIPT.

MUCH more might have been ſaid, and in a manner ſomewhat more ſpirited and ſharper. The reader will make the author's apology to himſelf for the omiſſion: he will recollect, that though, by the uſage of this country, any one, it ſhould ſeem, may abuſe the C——n, and the C——n C——l in particular, may ſay what they pleaſe againſt the proceedings of both houſes of ——— with impunity, yet it is againſt the liberty of the ſubject to glance in the leaſt at the C——f J——, I mean of the C—— P——. From uſage it appears, that the

the law is different with reſpect to the C*hief* J*uſtice* of the K*ing's* B*ench*, and that it is even commendable and patriotic to vent whatever paſſion or malice may ſuggeſt againſt him.

FINIS.